

**Springfield District Fairfax Center Area Land Use Committee Meeting  
February 4, 2003, 7:00 p.m. Meeting Minutes  
Conference Room 8, 12000 Government Center Parkway, Fairfax, VA 22035**

**COMMITTEE MEMBERS PRESENT:**

Mark Cummings, Chair, *Brentwood Civic Association*  
Fred Bailey, *Deerfield Forest Homeowners Association*  
Gail Brugger, *Little Rocky Run Homeowners Association*  
Tom McDonald, *Buckner Forest Homeowners Association*  
Philip Poole, *Cannon Ridge Civic Association*  
Jeff Saxe, *Fairfax County Chamber of Commerce*  
Patricia Goins, *Leehigh Village/Birchtree Civic Association*  
Claudette Ward, *Greater Willow Springs Civic Association*

**COUNTY STAFF PRESENT:**

Marlae Schnare, *Supervisor Elaine McConnell's Office*  
William Mayland, *Fairfax County Planning & Zoning*  
Denice Thomas, *Fairfax County Planning & Zoning*

**OTHER:**

Peter Murphy, *Planning Commission*

**APPLICATIONS PRESENTED**

**Kustom Kastles L.L.C.**

PCA/FDPA 1999-SU-043

Applicant: Frank Smerbeck

Attorney/Agent: Keith Martin, Walsh, Colucci, Stackhouse, Emry & Lubely, P.C.

Presenter(s): Keith Martin

Kustom Kastles, L.L.C. purchased Lot 30 from Equity Homes, L.P. with the intent of renovating the existing house on Lot 30 in conformance with the note on the proffered Final Development Plan. After an architectural examination, it became apparent to the applicant that the existing structure could not be renovated and meet current Fairfax County Building Code requirements without demolishing the structure and rebuilding an entirely new structure. The applicant determined that the majority of the house had no foundation and was resting on rotting wood on soil. The applicant received a demolition permit from the County and began to construct a new structure on the same footprint of the old structure. Zoning Enforcement discovered the non-compliance and voided the permit. The applicant stated that he had no malicious intent to destroy the home. He acted in good faith. The applicant has offered to make a public safety contribution as well as a contribution to the county archaeological fund. The applicant believes that this contribution as well as the financial loss resulting from the withdrawal of the permit and cost of filing the proffer condition amendment and final development plan amendment constitutes a substantial but sufficient penalty for their inadvertent proffer violation. The applicant is seeking approval to delete the Final Development Plan note to retain the formerly existing house on Lot 30. Planning Commissioner Murphy stated the County is looking for a reasonable solution to

adjudicate this error and noted that the County has accepted the applicant's offer of contributions to public safety and to the archaeological fund.

Issues raised by committee and community members included concerns about the historical significance of the home. The applicant noted that the home is not designated a "historic" home, but rather is a structure that was built approximately in 1920 and has had two subsequent additions after 1950. The community would like to seek some benefit for the community. Committee members noted the many signs posted in the neighborhood and requested that these be removed as a condition of the application's approval. Committee and community members also expressed concern about the applicant's due diligence in examining the structure prior to purchasing the site.

A motion was made to approve the application with the following conditions: (1) Equity Homes, L.P. must add a no popsicle-stick real estate sign proffer, (2) Kustom Kastles L.L.C. must make a \$20,000 restitution contribution. Commissioner Murphy stated he would take under advisement suggestions as to where the \$20,000 would be applied. The motion was seconded. Seven committee members voted to approve the motion. One member did not support the motion.

#### **Fair Oaks Child Development Center**

SE 2002-SP-025

Applicant seeks to amend the existing special permit to allow an increase in the total number of children cared for in its child care center, to construct an addition to the building, to increase the land area and make other site changes as required to accommodate the addition and children.

Location: 12001 Lee Highway

Planning Commission Hearing Scheduled: 3/5/03

Attorney/Agent: Jane Kelsey & Associates, Inc. and Lori Greenlief, Greenlief Consulting, L.L.C.  
Presenter(s): Lori Greenlief, Greenlief Consulting, L.L.C. & Max Borges, Max Borges, Inc.  
(architect)

Ms. Greenlief noted additional changes made to plan since the October 7, 2002 Land Use Committee meeting. Specifically, to address the Marymead community's concerns with regard to the ingress and egress to the facility adjacent to the Marymead community, the applicant met with VDOT and obtained approval to extend the median to create a 30 foot wide exit to Rt. 29 from Marymead Drive. Additionally, the applicant agreed to create a 30-foot wide entrance (on the other side of the teardrop island) to Marymead with curb and gutter subject to VDOT approval. Ms. Greenlief also noted they have created more green area and enhanced the stormwater management pond in respond to staff's concerns.

Committee concerns addressed adequate parking, traffic increase, lighting, and future expansion. A motion was made to recommend approval for the application. The motion was seconded and it carried by unanimous vote.

**Magic Moments Childrens Centre Inc.**

SE 2002-SP-037

Applicant proposes to construct a child care center. The site is located at 13129 Westbrook Drive. Tax Map parcels 55-1 ((4)) 6, 7.

Attorney/Agent: Jane Kelsey, Jane Kelsey & Associates Inc.

Presenter(s): Jane Kelsey

Ms. Kelsey addressed changes made in response to several issues of concern raised at the December 2, 2002 meeting. Specifically, the applicant has increased the number of parking spaces -- to 27 -- when only 14 spaces are required, will widen its pro rata share of Westbrook Dr., will make contribution to Fairfax Center Area road fund, will contribute to fund to establish a traffic signal at Westbrook Dr. and Stringfellow Rd.

Committee concerns addressed sidewalk, proximity to petroleum pipeline and high voltage lines, screening, and sufficiency of space for the use. The public voiced several issues of concern, particularly about Westbrook Dr. improvements, compatibility with neighborhood, and general concerns with traffic. County staff believes that the site is not compatible with neighborhood, i.e., the site is not in conformance with the locational guidelines of the Comprehensive Plan. Also staff noted concerns with regard to the intensity of the use and the screening and buffering.

A motion was made to deny recommendation for the application. The motion was seconded and it carried by unanimous vote.